

AN ORDINANCE

02-0 -0489

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO CLEAN THE PREMISES AND CLOSE THE VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON FEBRUARY 28, 2002.

491 Monument Avenue, SE

05

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

WHEREAS, on February 28, 2002, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, on February 28, 2002, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

WHEREAS, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

WHEREAS, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to clean the premises and close the various structures following real property, upon which structure(s) are located:

Proper Street Address

491 Monument Avenue, SE

City Council District

05

SECTION 2: That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Clean the premises and board the structures(s) in conformity with the In Rem Review Board's Orders.
- (3) File a lien against the real property on which the structures(s) are attached for the cost incurred.
- (4) Maintain the property in conformity with the In Rem Review Board's Order until the structure(s) are repaired or demolished.

SECTION 3: That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**THE SUPERIOR COURT FOR THE COUNTY OF
DEKALB, STATE OF GEORGIA**

**CITY OF ATLANTA BUREAU
OF NEIGHBORHOOD CONSERVATION**

Plaintiff

VS.

**NOTICE FOR RECORD
FOR LIS PENDENS**

**Ivie Carter
Grayson Communities, Inc.
Ruby S. Dickerson
East Atlanta Land Company, Inc.
Vesta Holdings I, LLC**

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against the above defendant on

Friday, February 8, 2002

in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

all that tract and parcel of land

lying and being in the City of Atlanta, in Land Lot 177 of the 15th District
of DeKalb County, Georgia, and more particularly described as follows:

BEGINNING at a point on the West side of Monument Avenue One hundred and eighty five (185) feet North Of the Northwest corner of Glenwood Avenue and Monument Avenue and running thence Northerly along the West side of Monument Avenue fifty one (51) feet to an iron pin; thence Northwesterly two hundred twenty seven and one-tenth (227.1) feet to an iron Pin; thence Southerly sixty nine and five-tenths (69.5) feet to an iron pin; thence Easterly two hundred and twenty four and eight-tenths (224.8) feet to the point of beginning, the same being Lot 17 of the plat of the Provident Realty & Trust Company Property, by J. Low Zachry, C. E., April 1920 Being improved property, known as 491 Monument Ave., SE., DeKalb Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of DeKalb County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: Friday, February 8, 2002

BY:

Dale S. Hammond
Bureau of Neighborhood Conservation. Official Agent
(404) 330-6195

BY:

Bill Castings
Assistant Real Estate City Attorney

To Mayor's Office: Greg Pridgeon

(for review & distribution to Executive Management)

Commissioner Signature *Michael Debbin* Director Signature *Delores J. Brown*
From: Originating Dept. Housing Demolition Contact (name) Dale Haygood - 6195
Committee(s) of Purview: Comm. Dvlpmt./HR Committee Deadline: March 15, 2002
Committee Meeting Date(s) March 26. & Apr. 9, 2002 City Council Meeting Date: Apr. 1. & May. 6, 2002

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO CLEAN AND CLOSE THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD FEBRUARY 28, 2002.

491 Monument Avenue, SE

05

BACKGROUND/PURPOSE/DISCUSSION:

Owner(s) and/or Parties in interest at above properties did not repair or demolish the structure and clean the premises in accordance with the Atlanta Housing Code of 1987.

FINANCIAL IMPACT (if any): Approximately \$ 900.00

(The actual calculations are not made until the property is released to the contractor. The cost for cleaning and boarding the property is calculated for each structure depending on the number of window and door openings and the trash and debris that is removed).

OTHER DEPARTMENT(S) IMPACTED: _____

Coordinated Review With: _____

Mayor's Staff Only

Received by Mayor's Office: 3/12/02 *pn*
(date)

Reviewed: *JS*
(initials) (date)

Submitted by Council: _____
(date)

Action by Committee:

☐ Approved ☐ Adversed ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other